

OLC 78-3110

27 OCT 1978

MEMORANDUM FOR: Director of Central Intelligence

FROM : [REDACTED]
Acting Legislative Counsel

SUBJECT : Your 30 October Luncheon Meeting with Senator Robert Morgan

1. Action Requested: None, for information only.

2. Background: You should know of some of our recent dealings with Senator Morgan prior to your luncheon Monday. His schedule for Monday is:

8:30 - 9:30 - speak to Latin America Division Chiefs of Station Conference at Headquarters.

9:30 - 10:30 - Briefing by [REDACTED]
ORPA, re Eurocommunism and Portugal.

10:30 - 11:30 - Meeting with John McMahon, [REDACTED]
[REDACTED] DDO, re stations [REDACTED]

11:30 - 12:30 - Courtesy call on Dr. Bowie, visit to Operations Center, and question and answer period with NFAC China analysts [REDACTED]
Morgan has never seen the Operations Center and is particularly interested because of the Kampiles case. He was originally scheduled to go to China in November in a Congressional delegation, but dropped out because of a conflict in his schedule. We offered him briefings on China. Although he has dropped the trip, he has asked for the briefings.

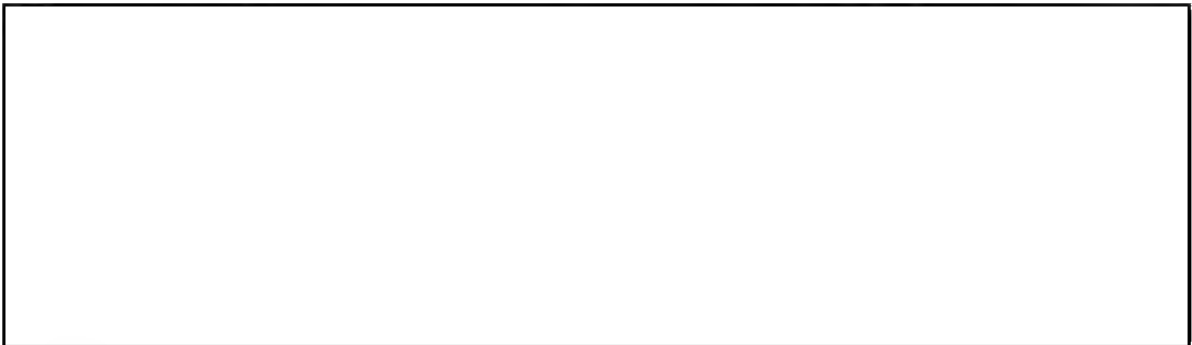
3. Our relations with the Senator over the past year have been mixed. On the low side:

a. We refused to grant a compartmented clearance to his personal staff member John Stirk. Morgan wanted Stirk

to follow Armed Services Committee business for him. However, a new avenue under which Stirk may be able to obtain compartmented clearances has been developed and Senator Morgan was so notified (see attachment). This formula leaves the matter largely in the Senator's hands to make the necessary arrangements with the Armed Services Committee. To our knowledge he has not yet done so.

b. You will recall the exchange with the Senator over leaks during an SSCI hearing, when he was angered by your reference to newspaper articles as the source of your charge of Congressional leaks. He missed the first part of your presentation, however, and later apologized.

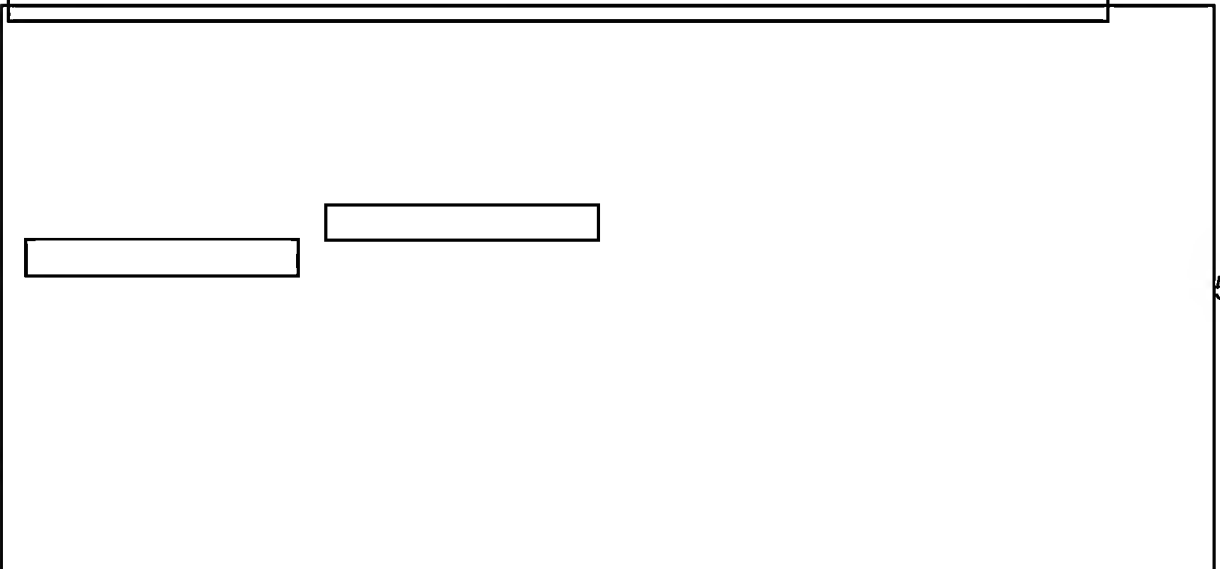
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4. Other, more pleasant contacts:

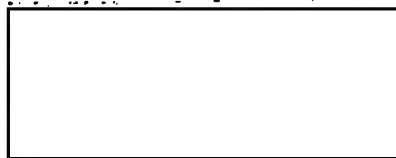
a. We have briefed Senator Morgan numerous times

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5X1

5. Senator Morgan is scheduled to leave the SSCI at the end of this year, under a rotation schedule. No one has been able to confirm this though, and we would be interested in his position on this.



25X1

Attachment:
As stated

Distribution:

Original - Addressee w/att
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OLC:DFM:hms (27 October 1978)

Approved For Release 2004/08/30 : CIA-RDP81M00980R001800010027-3

27 SEP 1978

Honorable Robert B. Morgan
United States Senate
Washington, D. C. 20510

Dear Senator Morgan:

Several months ago we discussed your concern over the Agency's inability to approve access to sensitive compartmented intelligence by a member of your personal staff. On 21 July I approved new Guidelines and Procedures for the issuance of compartmented clearances to the Legislative Branch. I believe your requirements for sensitive compartmented information can be met within the framework of these guidelines.

The Guidelines and Procedures are designed to provide a centralized management control mechanism that will assure strict, uniform application of need-to-know and personnel security criteria. A copy is enclosed. Section D does confirm the general thrust of previous policy by specifying that only key staff members in the offices of the Leadership of the Congress and permanent committee staff designated by committee or subcommittee chairmen are eligible for compartmented clearances. Committee staffers are subject to standardized security procedures and discipline for controlling classified information which are not applicable to personal staff.

Please note that Section D should not be read to exclude from eligibility for compartmented clearances individuals who become associated with committee or subcommittee staffs under the provisions of Section 111(b)(2) of the Legislative Branch Appropriation Act of 1978 (P. L. 95-94, 91 Stat. 653). Section 111 codifies Section 705 of Senate Resolution 4, 95th Congress. Of course, decisions concerning the use of Sections 111(b)(2) and 111(c) must be made by each Senator in consultation with the appropriate committee or subcommittee chairman. The key distinction between the two statutory provisions as far as Guidelines and Procedures for compartmented clearances are concerned is that under 111(b)(2) an individual is actually appointed to the committee or subcommittee staff "for the purpose of assisting [a particular Senator] solely and directly in his duties as a member..." while Section 111(c)

pertains to a Senator's designation of employees "in his office" to assist him with committee work. Should your legislative aide John Stirk, for example, become associated with the staff of the Senate Armed Services Committee under Section III(b)(2) we would be pleased to consider a request for compartmented clearances made in accordance with Section D of the Guidelines and Procedures.

It is my belief that in the vast majority of cases it is possible to meet requirements for substantive intelligence without disclosing sources or methods of acquisition. We are always prepared to brief personal staff with appropriate security clearances and a demonstrable need-to-know on a non-compartmented basis. Where this is inadequate to meet the particular Congressional need we stand ready to fully brief Members of Congress personally. I am aware that compartmented access approvals granted by some Executive Branch agencies prior to the effective date of the Guidelines and Procedures have created several anomalous situations with regard to particular personal staff aides. I intend to ensure that the Guidelines and Procedures are applied fairly and consistently, and this may well necessitate the withdrawal of some outstanding clearances.

I hope that this explanation of the Guidelines and Procedures and the rationale behind them will be helpful to you. Let me stress that it is not my intention to interfere with the work of any Senator. I believe the Guidelines and Procedures constitute a reasonable response to a situation that was on the verge of becoming a serious threat to the security of sensitive intelligence sources and methods. While some sacrifice and inconvenience may be necessary on the part of both the Intelligence Community and the Legislative Branch, I am sure that the needs of all Members of Congress can be accommodated.

If you wish to discuss this matter further, I would be most happy to do so.

Yours sincerely,

/s/
STANSFIELD TURNER

Enclosure

Distribution:
Original - Addressee w/encl.
1-DCI w/encl.
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1-OLC Chrono w/o encl.
OLC:GNC:baa (22 Aug 78)